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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,787	04/10/2001	Fumiko Uchino	325772023800	9241
25227	7590	02/23/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/828,787	UCHINO ET AL.
	Examiner Yogesh K. Aggarwal	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 January 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 3-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3-6 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (US Patent # 6,630,960) in view of Takei (US Patent # 5,353,058).

[Claim 1]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (3) for capturing an image of a subject;

an exposure determining element (figure 3, system control circuit 25) for determining exposure parameters in image capturing (col. 8 lines 11-23),

a selector (figure 3, photo-taking mode selector 20) for selecting a type of metering process (figure 7 shows "center weighted light metering" wherein the priority is given to a central area and a landscaping mode wherein the priority is given to lower areas as shown in figure 8) from among a plurality of metering processes (center weighted or landscape mode) for determining said exposure parameters (col. 8 lines 6-54) and

wherein the image is divided into a plurality of specific areas, the selected metering processes determines the exposure parameters in at least one of the specific areas (24 areas for center weighted and 1-6 areas for landscape mode);

Takahashi fails to teach a corrector for correcting said image captured under the exposure parameters determined through a correcting process, and the corrector individually corrects at least one of the specific areas of the image through the correcting process set based upon the determined exposure parameters of the specific areas.

However Takei teaches a camera (figure 4) comprising an exposure correction-signal generating circuit 42 by dividing the imaged frame into a plurality of areas, essentially follows the position of the subject in the imaged frame based upon luminance information and chromaticity information in each area, accurately detects the luminance information and chromaticity information at each position of the subject, and performs prescribed arithmetic processing to generate the exposure correction signal (col. 4 lines 22-34). Takei further teaches exposure correction in more detail (col. 7 lines 22-col. 8 line 2).

Therefore taking the combined teachings of Takahashi and Takei, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used a corrector for correcting said image captured under the exposure parameters determined through a correcting process, and the corrector individually corrects at least one of the specific areas of the image through the correcting process set based upon the determined exposure parameters of the specific areas in order to perform appropriate exposure control conforming to the photographic condition of the subject.

[Claim 3]

Takahashi teaches a meter (figure 3, element 25) for performing metering process in determination of said exposure parameters in which brightness in a specific area is weighted within an image capturing range (col. 5 lines 52-67, figure 4). Takei teaches a camera (figure 4) comprising an exposure correction-signal generating circuit 42 by dividing the imaged frame into a plurality of areas (col. 4 lines 22-34, col. 7 lines 22-col. 8 line 2).

[Claim 4]

Takahashi et al. teaches a control unit 25 determines a relation between luminance (brightness) in the image and said subject on the basis of a result of different phototaking modes and based on the relation corrects the exposure (col. 18 lines 31-61). Takei teaches a camera (figure 4) comprising an exposure correction-signal generating circuit 42 by dividing the imaged frame into a plurality of areas (col. 4 lines 22-34, col. 7 lines 22-col. 8 line 2).

[Claim 5]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (figure 3, element 3) for capturing an image of a subject; an exposure determining element (figure 3, element 25) for determining exposure parameters in image capturing, a meter (figure 3, element 25) for performing metering process in determination of said exposure parameters in which brightness in a specific area is weighted within an image capturing range (col. 5 lines 52-67, figure 4). Takahashi further teaches a photographing mode having high contrast (col. 37 lines 11-14), which would inherently involve the control unit to optimize an image based on contrast.

Takahashi fails to teach a corrector for correcting said image captured under the exposure parameters determined by said exposure determining element on the basis of values of pixels corresponding to said specific area.

However Takei teaches a camera (figure 4) comprising an exposure correction-signal generating circuit 42 by dividing the imaged frame into a plurality of areas, essentially follows the position of the subject in the imaged frame based upon luminance information and chromaticity information in each area, accurately detects the luminance information and chromaticity information at each position of the subject, and performs prescribed arithmetic processing to generate the exposure correction signal (col. 4 lines 22-34, col. 7 lines 22-col. 8 line 2).

Therefore taking the combined teachings of Takahashi and Takei, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used a corrector for correcting said image captured under the exposure parameters determined by said exposure determining element on the basis of values of pixels corresponding to said specific area in order to perform appropriate exposure control conforming to the photographic condition of the subject.

[Claim 6]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (3) for capturing an image of a subject; an exposure determining element (25) for determining exposure parameters in image capturing, a meter (25) for performing metering process in determination of said exposure parameters, including brightness in which a plurality of areas in an image capturing range are metered (col. 7 line 50-col. 8 line 23, luminance is same as brightness), a divider (25) for dividing said image on the basis of positions of said plurality of areas (col. 8 lines 7-11).

Takahashi fails to teach a corrector for individually correcting each of said plurality of divided areas captured under the exposure parameters determined by said exposure determining

element through a correcting process through a correcting process individually according to a distribution of brightness in the image capturing range, as determined by the metering process.

However Takei teaches a camera (figure 4) comprising an exposure correction-signal generating circuit 42 by dividing the imaged frame into a plurality of areas, essentially follows the position of the subject in the imaged frame based upon luminance information and chromaticity information in each area, accurately detects the luminance information and chromaticity information at each position of the subject, and performs prescribed arithmetic processing to generate the exposure correction signal (col. 4 lines 22-34, col. 7 lines 22-col. 8 line 2).

Therefore taking the combined teachings of Takahashi and Takei, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used a corrector for individually correcting each of said plurality of divided areas captured under the exposure parameters determined by said exposure determining element through a correcting process through a correcting process individually according to a distribution of brightness in the image capturing range, as determined by the metering process in order to perform appropriate exposure control conforming to the photographic condition of the subject.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

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4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

February 14, 2006

  
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PRIMARY EXAMINER  
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